

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Iridium Communications Inc.)	
)	WT Docket No. 19-280
Petition for Waiver to Permit Use of Iridium)	
Service to Meet GMDSS Requirements)	

REPLY COMMENTS OF IRIDIUM COMMUNICATIONS INC.

I. INTRODUCTION

Iridium Communications Inc. (“Iridium”) hereby files these reply comments in response to the Public Notice (“Notice”)¹ released by the Wireless Telecommunications Bureau (“Bureau”) regarding Iridium’s petition for waiver to permit the use of the Iridium system to satisfy the Global Maritime Distress and Safety System (“GMDSS”) requirements in Part 80 of the Federal Communications Commission’s (“Commission’s”) rules (“Petition”).² These reply comments address points raised by the Radio Technical Commission for Maritime Services (“RTCM”) and the current sole provider of GMDSS Inmarsat, Inc. (“Inmarsat”).³ RTCM supports expeditious grant of the waiver subject to certain conditions, and only Inmarsat’s comments raised concerns with the waiver Petition itself. Inmarsat’s comments provide no basis for delay, and the Bureau should expeditiously proceed with grant, subject to the conditions

¹ *Wireless Telecommunications Bureau Seeks Comment on Iridium Communications Inc. Petition for Waiver to Permit Use of Iridium Service to Meet GMDSS Requirements*, Public Notice, WT Docket No. 19-280 (WTB rel. Oct. 3, 2019).

² *Petition for Waiver of Certain Part 80 Rules Concerning Iridium’s Provision of GMDSS* (filed Sept 6, 2019) (“Waiver Petition”).

³ Comments of Inmarsat, Inc. (filed Oct. 24, 2019) (“Inmarsat Comments”); Comments of Radio Technical Commission for Maritime Services (filed Oct. 18, 2019) (“RTCM Comments”).

identified below, which take RTCM's comments into account.

II. DISCUSSION

A. Inmarsat Provides No Reason to Delay Grant of the Waiver

Today Inmarsat maintains a satellite GMDSS monopoly, so at some level its opposition to a new competitor is unsurprising. Putting aside its motivations, none of the points raised by Inmarsat justify delaying grant of the Petition. Specifically (i) the Bureau should not wait to conduct a rulemaking before granting the waiver, (ii) granting the waiver would not preclude the Commission from acting on RTCM's 2016 petition for rulemaking to update GMDSS rules,⁴ (iii) Iridium's Petition is not too complex for a waiver, and (iv) Inmarsat's objection concerning Section 80.1071 of the Commission's rules is misplaced.

1. *The Bureau Should Not Wait to Conduct a Rulemaking Prior to Enabling GMDSS with Iridium*

There is no valid argument for waiting for a rulemaking for the largely administrative changes Iridium requires to begin providing critical and competitive GMDSS services. Inmarsat argues that GMDSS is a safety-of-life service that requires a stable, predictable regulatory framework.⁵ This is undoubtedly true, which is why Iridium has pursued international recognition of its ability to provide GMDSS, and why Iridium waited until it received recognition from the International Maritime Organization ("IMO") before coming to the Commission with its Petition.

While rulemakings can establish a sustainable framework in the long-term, there is every reason to permit additional satellite systems to provide GMDSS now so long as each additional

⁴ *Petition for Rulemaking to Update Part 80 of the Commission's Rules*, RM-11765 (filed Feb. 16, 2016) ("RTCM Petition").

⁵ Inmarsat Comments at 3.

system, like Iridium's system, complies with the international requirements applicable to GMDSS. Although Inmarsat characterizes this change as "incremental[]," in fact it would be revolutionary because it would introduce competition into a market in which there has been a single monopoly provider and would extend the benefits of Iridium's state-of-the-art system, including true global coverage, to GMDSS.

Iridium has diligently pursued international recognition of its ability to provide GMDSS. While Inmarsat argues that Iridium is requesting "special treatment over other operators" by seeking an interim waiver, nothing could not be further from the truth. Other satellite operators are welcome to go through the same process and request their own waiver of the Part 80 GMDSS Rules until the Commission completes a rulemaking to comprehensively update the GMDSS rules. In the present situation, where the Part 80 rules are written for one operator to provide GMDSS and Iridium is the only other operator recognized by the IMO as a GMDSS provider, a waiver is the appropriate tool to promote competition. Moreover, it is common practice for the Commission to authorize operations on an interim basis while a rulemaking is pending or contemplated, conditioning authorizations on the outcome of such future rulemakings.⁶

2. *Grant of the Waiver Would Not Preclude Action on the RTCM Petition or Other Future GMDSS Rulemaking*

Grant of Iridium's waiver is consistent with the objectives of the RTCM petition for rulemaking, and would not undermine any Commission efforts to address that petition or initiate

⁶ See, e.g., *WorldVu Satellites Limited; Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, Order and Declaratory Ruling, 32 FCC Rcd 5366, 5378 ¶26 (2017) ("This grant of U.S. market access and any earth station licenses granted in the future are subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future."); *Deere & Company Request for Limited Waiver of Part 15 Rules for Fixed White Spaces Device*, Order, 31 FCC Rcd 2131, 2136 ¶11 ("This waiver is conditioned on the outcome of [the White Space Geo-location] rulemaking proceeding, and may be modified by the Commission at that time."); *New ICO Satellite Services G.P., Application for Blanket Authority to Operate Ancillary Terrestrial Component Base Stations and Dual-mode MSS/ATC Mobile Terminals in the 2 GHz MSS Bands*, Order and Authorization, 24 FCC Rcd 171, 197 ¶69.i (2009) (conditioning grant on "the outcome of ET Docket 95-18, ET Docket 00-258, and WT Docket 02-55, and any related proceedings").

any other rulemaking updating the GMDSS rules. In May 2016, Iridium filed comments in support of RTCM’s pending Petition for Rulemaking to update and revise the Part 80 rules.⁷ “Adoption of the proposed changes will enhance maritime safety, promote the efficient use of maritime spectrum, and remove unnecessary regulatory burdens on the users and manufacturers of maritime radio equipment.”⁸ Iridium continues to support the RTCM petition. However, the RTCM petition has been pending before the Commission since 2016 with no clear indication of when the Commission will consider it, while Iridium will be internationally authorized and plans to be ready to begin providing its GMDSS service in early 2020.

Granting Iridium’s Petition would be supportive of RTCM’s efforts to enhance “maritime safety, promote the efficient use of the maritime radio spectrum, and to the extent consistent with these first two objectives, remove unnecessary regulatory burdens on the users and manufacturers of maritime radio equipment.”⁹ There is no need for further delay authorizing these safety-of-life services.

3. *Iridium’s Petition is Not Too Complex to Address Through Waiver*

Inmarsat misguidedly describes the waivers requested by Iridium as “too numerous and complex to be dealt with through waiver.”¹⁰ This is misleading and false. While waiver of a large number of rule sections is requested in the Petition, the vast majority are ministerial such as modifying rules that identify “Inmarsat” by name to also apply to Iridium. The issue of substance—that Iridium equipment is suitable for GMDSS—has already been resolved by the IMO. Iridium merely seeks a waiver until the rules concerning what GMDSS equipment may be

⁷ Comments of Iridium Communications, Inc., RM-11765 (filed May 31, 2016).

⁸ *Id.* at 2.

⁹ RTCM Petition at 2.

¹⁰ Inmarsat Comments at 3.

used are brought up to date to reflect this development. Inmarsat's efforts to delay competition by manufacturing "complexity" should be rejected.

4. *Inmarsat's Objection Concerning Section 80.1071 Is Misplaced*

Inmarsat claims that the waivers requested by Iridium "exceed the bounds of exemption permitted by Section 80.1071."¹¹ Inmarsat is incorrect.

Section 80.1071 permits "partial or conditional exemptions" to be granted "to individual ships from the requirements of §§80.1085, 80.1087, 80.1089, 80.1091, and 80.1093" so long as "such ships comply with the functional requirements of §80.1081 and a showing is made that such an exemption will not have a material effect upon the general efficiency of the service for the safety of all ships."¹² Iridium requested waivers of Sections 80.1085, 80.1087, 80.1089, 80.1091, and 80.1093 that fall squarely within the terms of Section 80.1071. The waiver requests cover particular elements of these rules, which were written when Inmarsat was the sole GMDSS satellite provider. The ships covered by the waivers will comply with the functional requirements of Section 80.1081. And the waivers will not have an adverse effect upon the general efficiency of the service for the safety of all ships. To the contrary, they will contribute to improved safety. Accordingly, Inmarsat's claim concerning Section 80.1071 should be rejected.

B. The Bureau Should Grant the Waiver with Certain Conditions

The Bureau should grant Iridium's Petition with certain conditions to ensure that Iridium complies with the GMDSS requirements. In particular, Iridium would accept conditioning grant

¹¹ Inmarsat Comments at 3. As Iridium noted in its Petition, Section 80.1071 allows for "partial or conditional exemptions" to be granted to "to individual ships from the requirements of §§80.1085, 80.1087, 80.1089, 80.1091, and 80.1093 provided: such ships comply with the functional requirements of §80.1081 and a showing is made that such an exemption will not have a material effect upon the general efficiency of the service for the safety of all ships." Waiver Petition at 10.

¹² 47 C.F.R. §80.1071.

of its Petition on compliance with the International Electrotechnical Commission (“IEC”) technical standards cited by RTCM and Inmarsat, and on compliance with the outcome of any future rulemakings to update the Commission’s GMDSS rules.

- ***Iridium does not object to a condition requiring its GMDSS operations to be subject to IEC 61097-16.*** RTCM and Inmarsat argue that rather than simply granting a waiver of the Section 80.1101 performance standards, any grant to Iridium should be accompanied by a condition requiring compliance with applicable IEC performance standards.¹³ RTCM suggests that grant to Iridium be specifically conditioned on compliance with IEC 61097-16.¹⁴ Iridium agrees with commenters. Iridium and its partner Lars Thrane, the initial manufacturer of GMDSS equipment for Iridium’s network, are working on compliance with IEC Standard 61097-16. Iridium is currently preparing for testing scheduled to begin in November 2019 to ensure that the GMDSS equipment complies with the standard. Because IEC 61097-16 is consistent with the IMO’s performance standards for ship earth stations used in the GMDSS, Iridium anticipates that the equipment will comply. Iridium is comfortable with the Commission conditioning grant of the Petition based on compliance with IEC 61097-16 in lieu of, or in addition to, a waiver of Section 80.1101 of the Commission’s rules.
- ***The Bureau should clarify the procedure for equipment authorization.*** If the Bureau conditions grant of the waiver of Section 80.1101 on Iridium’s compliance with IEC Standard 61097-16, the Bureau should also clarify the procedure for equipment authorization. GMDSS equipment is typically certified by a Telecommunications Certification Body following testing. However, Inmarsat is currently able to use the Supplier’s Declaration of Conformity (“SDoC”) process in Subpart J of Part 2 of the Commission’s rules for ship earth stations that communicate with its satellite network instead of the certification process.¹⁵ In its comments RTCM states that Iridium should be permitted to determine the compliance of its GMDSS equipment with Commission rules instead of requiring an assessment by an independent lab.¹⁶ If the Bureau grants the waiver, the Bureau should clarify which equipment authorization process will apply to GMDSS equipment that will communicate with Iridium’s network.
- ***The Bureau should condition grant on the outcome of future GMDSS rulemakings to the extent necessary.*** As discussed above, Iridium supports action on the RTCM petition for rulemaking to update the Commission’s Part 80 GMDSS rules. To the extent

¹³ Inmarsat Comments at 6; RTCM Comments at 2-3.

¹⁴ RTCM Comments at 2-3.

¹⁵ See 47 C.F.R. §80.203(g) (“Manufacturers of ship earth station transmitters intended for use in the INMARSAT space segment are subject to Supplier's Declaration of Conformity pursuant to the procedures given in subpart J of part 2 of this chapter. Such equipment must be approved in accordance with the technical requirements provided by INMARSAT and must be type approved by INMARSAT for use in the INMARSAT space segment...”); see also 47 C.F.R. §80.1103(a).

¹⁶ RTCM Comments at 3.

necessary, the Bureau should condition grant of Iridium's Petition on compliance with any rulemaking based on the RTCM petition, or other rulemaking updating the Part 80 GMDSS rules. Inmarsat's operations also would be subject to this outcome.

III. CONCLUSION

Iridium is uniquely positioned to bring innovation and competition to GMDSS, and the waiver requested in its Petition is narrowly tailored to achieve this goal. The Bureau should grant Iridium's Petition for waiver, with conditions as necessary, to enable the rapid deployment of this important maritime safety service.

Respectfully submitted,

Iridium Communications Inc.

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November 4, 2019